



AGENDA  
CITY COMMISSION MEETING  
COMMISSION CHAMBERS, CITY HALL  
MONDAY, NOVEMBER 24, 2014 5:30 PM

1. CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

2. PROCLAMATIONS: None

3. PRESENTATIONS: None

4. CONSENT AGENDA:

Routine items are placed on the Consent Agenda to expedite the meeting. If the Commission/Staff wish to discuss any item, the procedure is as follows: (1) pull the item(s) from the Consent Agenda; (2) vote on remaining items with one roll call vote, (3) discuss each pulled item and vote by roll call

A. CITY COMMISSION MEETING MINUTES: None

B. PURCHASING ITEMS: None

C. RESOLUTIONS:

1. Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a property access agreement between the City of Leesburg, Florida and William D, McKnight and Kathryn A. McKnight, Co-Trustees, within the City of Leesburg; and providing an Effective Date.
2. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an agreement with Odyssey Manufacturing Company for the main water treatment plant Water Disinfection System Conversion project for the amount of \$243,422.00; and providing an effective date.
3. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute Civic Funding Organization Agreements with local non-profit organizations.

4. Resolution of the City Commission of the City of Leesburg, Florida appointing one member to the Library Advisory Board to a five-year term, said term to expire on September 30, 2019; and providing an effective date.

5. PUBLIC HEARINGS AND NON-ROUTINE ITEMS:

- A. Second reading of an ordinance of the City of Leesburg, Florida, amending Chapter 5 Subsection 3(a) of the Code of Ordinances pertaining to sales of alcoholic beverages, creating an exception from the setback requirements for nonprofit corporations in the P (Public) zoning district only, under limited circumstances, for occasional sales with a Conditional Use Permit.
- B. Second reading of an ordinance of the City of Leesburg, Florida, repealing Chapter 25 Zoning Code Section 25-292 Supplemental District Requirements Subsection (3) Alcoholic beverages uses due to a conflict with Chapter 5 Alcoholic Beverages of the code.
- C. Second reading of an Ordinance of the City of Leesburg, Florida, amending the existing PUD (Planned Unit Development) district zoning for Victoria Gardens at Leesburg to extend the phasing for thirty-six (36) months for approximately six acres generally located on the north side of Montclair Road, just west of Oakridge Condominiums, (W. Lord Lyall, IV).
- D. Second reading of an ordinance of the City of Leesburg, Florida, adopting the 2012 edition of International Property Maintenance Code, as amended, to provide minimum maintenance standards for all property, buildings, and structures.
- E. Second reading of an ordinance adopting the Interlocal Service Boundary Agreement (ISBA) among the City of Leesburg, the City of Fruitland Park, the City of Tavares, the Villages Center Community Development District and Lake County.
- F. First reading of an ordinance amending the Fiscal Year 2013-14 budget for the General Fund, Stormwater, Greater Leesburg CRA, Capital Projects, Electric, Water, Wastewater, Communications and Police Impact Fees Funds for the Fourth Quarter
- G. First reading of an ordinance annexing approximately 20 acres of land generally located at the southwest corner of Rogers Industrial Park Road and Haywood Worm Farm Road for property owned by NRG/Recovery Group Inc. (Covanta Projects LLC)

6. INFORMATIONAL REPORTS:

The following reports are provided to the Commission in accordance with the Charter/Ordinances. No action required.

7. CITY ATTORNEY ITEMS:

8. CITY MANAGER ITEMS:

9. PUBLIC COMMENTS:

This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Issues brought up will not be discussed in detail at this meeting. Issues will either be referred to the proper staff or will be scheduled for consideration at a future City Commission Meeting. Comments are limited to three minutes.

10. ROLL CALL:

11. ADJOURN:

PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE HUMAN RESOURCES DEPARTMENT, ADA COORDINATOR, AT 728-9740, 48 HOURS IN ADVANCE OF THE MEETING.

F.S.S. 286.0105 "If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceedings, and that for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." The City of Leesburg does not provide this verbatim record.



# AGENDA MEMORANDUM

**Item No:** 4.C.1.  
**Meeting Date:** November 24, 2014  
**From:** DC Maudlin, Public Works Director  
**Subject:** Resolution accepting and approving a Property Access Agreement

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**Staff Recommendation:**

Staff recommends acceptance and approval of a Property Access Agreement.

**Analysis:**

William D. McKnight and Kathryn A. McKnight are Co-Trustees of William D. McKnight Revocable Trust and Kathryn A. McKnight Revocable Trust and are the owners of the Chevron Service Station located at 2101 W. Main Street. The Florida Department of Environmental Protection (FDEP) has approved a Remedial Action Plan (RAP) to remove hydrocarbon contamination originating from the service station and extending to surrounding areas, including the W. Main Street right of way.

The Remedial Action Plan includes installation of 11 air sparge wells, 11 vapor extraction wells, and 6 monitoring wells within the W. Main Street right of way. The wells will be installed, maintained and removed upon completion of the remediation project.

The City of Leesburg has authorization to enter into this agreement through an Interlocal Agreement between the City and Lake County dated January 23<sup>rd</sup>, 1989 and accepted by Resolution Number 4218. Staff recommends acceptance and approval of the Property Access Agreement.

**Options:**

1. Acceptance of the Property Access Agreement; or
2. Such alternative action as the Commission may deem appropriate

**Fiscal Impact:**

There is no Fiscal Impact to the City

Submission Date and Time: 11/19/2014 12:55 PM

Department: <u>Public Works</u> Prepared by: <u>Adrian C. Parker</u> Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Advertised: <input type="checkbox"/> Not Required <input type="checkbox"/> Dates: _____ Attorney Review : Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> _____ Revised 6/10/04	Reviewed by: Dept. Head _____ Finance Dept. _____ Deputy C.M. _____ Submitted by: City Manager _____	Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____
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RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF  
LEESBURG, FLORIDA, ACCEPTING AND APPROVING A  
PROPERTY ACCESS AGREEMENT BETWEEN THE CITY OF  
LEESBURG, FLORIDA AND WILLIAM D, MCKNIGHT AND  
KATHRYN A. MCKNIGHT, CO-TRUSTEES, WITHIN THE CITY  
OF LEESBURG; AND PROVIDING AN EFFECTIVE DATE.

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG,  
FLORIDA:**

**THAT** The City of Leesburg, Florida does hereby accept and approve the Property Access Agreement between the City of Leesburg, Florida, and William D. McKnight and Kathryn A. McKnight, as Co-Trustees of the William D. McKnight Revocable Trust Agreement of 1997 dated June 24, 1997 and as Co-Trustees of the Kathryn A. McKnight Revocable Trust Agreement of 1997 dated June 24, 1997.

**THAT** this Resolution shall take effect upon its passage and adoption according to law.

**PASSED AND ADOPTED** by the City Commission of the City of Leesburg, Florida, at a regular meeting held the 24<sup>th</sup> day of November 2014.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



# AGENDA MEMORANDUM

**Item No:** 4.C.2.

**Meeting Date:** November 24, 2014

**From:** DC Maudlin, Public Works Director

**Subject:** Resolution authorizing the execution of an agreement with Odyssey Manufacturing Company for construction services.

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**Staff Recommendation:**

Staff recommends approval of the resolution authorizing execution of an agreement with Odyssey Manufacturing Company for \$243,422.00.

**Analysis:**

This project converts the chlorine gas water disinfection system to a liquid sodium hypochlorite water disinfection system; including installation of a temporary chemical feed system, installation of a permanent chemical feed skid, erection of three polyethylene chlorine storage tanks and level transmitters, piping, valves and related work. Other related work includes demolition of existing gas chlorine feed system and modifications to the existing control systems.

This conversion will be performed at the main water treatment plant. When finished, the main water treatment plant will discontinue use of chlorine gas cylinders and use liquid sodium hypochlorite for water disinfection.

**Purchasing Analysis:**

On September 22, 2014 the Purchasing Division issued Invitation to Bid number 140511. Notification of this opportunity by legal advertisement in the Ocala Star Banner and Orlando Sentinel, as well as posting on-line at Public Purchase.com was accomplished.

On October 30, 2014 sealed bids were received from three prospective contractors and evaluated by Purchasing and Public Works staff. The low bidder submitted references from several municipalities indicating it has successfully performed previous projects for the cities.

**SUMMARY OF BIDS**

Bidder Name	Location	Total Cost	Local Vendor
Odyssey Manufacturing Company	Tampa, FL	\$243,422.00	No
Villages Construction, Inc.	Leesburg, FL	\$268,800.00	Tier 1 - 5%
RTD Construction, Inc.	Zephyrhills, FL	\$317,795.00	No

The Local Vendor Preference was not a factor in this bid evaluation as the bid of the non-local vendor was 10 percent lower than the closest local vendor bidder.

**Options:**

1. Approve execution of the agreement with Odyssey Manufacturing Company; or
2. Such alternative action as the Commission may deem appropriate

**Fiscal Impact:**

This project was included in the Fiscal Year 2013-14 budget. The available budget will need to be rolled over to the current Fiscal Year. These funds will be included on the Rollover budget adjustments which will be presented to Commission for approval. The competitive process resulted in an award amount which is \$74,297.00 less than budgeted.

**Submission Date and Time:** 11/19/2014 12:55 PM

Department: <u>Public Works</u> Prepared by: <u>Terry Pollard</u> Attachments: <u>Yes</u> <u>X</u> <u>No</u> Advertised: <u>X</u> <u>Not Required</u> Dates: <u>9/28/14</u> Attorney Review : <u>Yes</u> <u>No</u> <u>X</u>  <u>Revised 6/10/04</u>	Reviewed by: Dept. Head _____  Finance Dept. <u>BLM</u>  Deputy C.M. _____ Submitted by: _____ City Manager _____	Account No. <u>043-3099-533-6310</u>  Project No. <u>430006</u>  WF No. <u>0872318/002</u>  Requisition No. <u>46926</u>  Budget <u>\$317,719.00</u>  Available <u>\$317,719.00</u>
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RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH ODYSSEY MANUFACTURING COMPANY FOR THE MAIN WATER TREATMENT PLANT WATER DISINFECTION SYSTEM CONVERSION PROJECT FOR THE AMOUNT OF \$243,422.00; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA:

**THAT** the Mayor and City Clerk are hereby authorized to execute an agreement with ODYSSEY MANUFACTURING COMPANY whose address is 1484 Massaro Blvd., Tampa, FL 33619 (email pallman@odysseymanufacturing.com) for the main water treatment plant Disinfection System Conversion pursuant to ITB 140511.

**THAT** this resolution shall become effective immediately.

**PASSED AND ADOPTED** by the City Commission of the City of Leesburg, Florida, at a regular meeting held the 24<sup>th</sup> day of November 2014.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



# AGENDA MEMORANDUM

**Item No:** 4.C.3.

**Meeting Date:** November 24, 2014

**From:** Al Minner, City Manager

**Subject:** Resolution authorizing Agreements for fiscal year 2014-15 Civic Grant Funding with Band Parents Association of Leesburg High School, Inc., Boys and Girls Clubs of Lake & Sumter Counties, Inc., Community Development Corporation of Leesburg, Inc., Early Learning Coalition of Lake County, Haven of Lake & Sumter Counties, Inc., Lake Community Action Agency, Inc., Lake Sumter Children's Advocacy Center, Inc., Leesburg Area Chamber of Commerce, Inc., Leesburg Art Festival, Inc. DBA Leesburg Center for the Arts, , Leesburg Partnership, Inc., LifeStream Behavioral Center Inc., Melon Patch Players, Inc., New Vision for Independence, Inc. and West Leesburg Community Development Corporation

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## **Staff Recommendation:**

Staff recommends the execution of the agreements for fiscal year 2014-15 civic grant funding with Band Parents Association of Leesburg High School, Inc., Boys and Girls Clubs of Lake & Sumter Counties, Inc., Community Development Corporation of Leesburg, Inc., Early Learning Coalition of Lake County, Haven of Lake & Sumter Counties, Inc., Lake Community Action Agency, Inc., Lake Sumter Children's Advocacy Center, Inc., Leesburg Area Chamber of Commerce, Inc., Leesburg Art Festival, Inc. DBA Leesburg Center for the Arts, , Leesburg Partnership, Inc., LifeStream Behavioral Center Inc., Melon Patch Players, Inc., New Vision for Independence, Inc. and West Leesburg Community Development Corporation.

## **Analysis:**

For Fiscal Year 2014-15, qualified civic organizations were allowed to request funding from the City of Leesburg. A total of \$73,998.00 was budgeted for this purpose. A City Commission meeting was held on October 10, 2014 to discuss this issue. Following is a list of the organizations that were approved for funding by the City Commission at that meeting and the funding amounts. Civic Organization Funding Agreements for each group are included.

Band Parents Association of Leesburg High School, Inc. - \$1,455.00  
Boys & Girls Club of Lake and Sumter Counties, Inc. - \$10,670.00  
Community Development Corporation of Leesburg, Inc. - \$3,880.00  
Early Learning Coalition of Lake County - \$5,820.00  
Haven of Lake & Sumter Counties, Inc. - \$4,365.00  
Lake Community Action Agency - \$4,365.00

Children's Advocacy Center - \$4,365.00  
 Leesburg Area Chamber of Commerce - \$4,365.00  
 Leesburg Art Festival DBA Leesburg Center for the Arts - \$10,670.00  
 Leesburg Partnership, Inc. - \$14,065.00  
 Life Stream Behavioral Center Inc. - \$4,850.00  
 Melon Patch Players, Inc. - \$2,705.00  
 New Vision for Independence - \$1,453.00  
 West Leesburg Community Development Corporation - \$970.00

### Options:

1. Approve execution of the agreements between the City of Leesburg and Band Parents Association of Leesburg High School, Inc., Boys and Girls Clubs of Lake & Sumter Counties, Inc., Community Development Corporation of Leesburg, Inc., Early Learning Coalition of Lake County, Haven of Lake & Sumter Counties, Inc., Lake Community Action Agency, Inc., Lake Sumter Children's Advocacy Center, Inc., Leesburg Area Chamber of Commerce, Inc., Leesburg Art Festival, Inc. DBA Leesburg Center for the Arts, , Leesburg Partnership, Inc., LifeStream Behavioral Center Inc., Melon Patch Players, Inc., New Vision for Independence, Inc. and West Leesburg Community Development Corporation for fiscal year 2014-15 civic grant funding.
2. Such alternative action as the Commission may deem appropriate

### Fiscal Impact:

A total of \$73,998.00 was included in the current budget for civic funding. Funding as shown for the organizations above totals \$73,998.00.

**Submission Date and Time:** 11/19/2014 12:55 PM

Department: <u>Administration</u> Prepared by: <u>Al Minner</u> Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Advertised: <input type="checkbox"/> Not Required <input type="checkbox"/> Dates: _____ Attorney Review : Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> _____ Revised 6/10/04	Reviewed by: Dept. Head _____ Finance Dept. <u>BLM</u> Deputy C.M. _____ Submitted by: _____ City Manager _____	Account No. <u>042-2021-532-8210</u> Project No. _____ WF No. _____ Budget <u>\$73,998</u> Available <u>\$73,998</u>
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RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE CIVIC ORGANIZATION FUNDING AGREEMENTS WITH BAND PARENTS ASSOCIATION OF LEESBURG HIGH SCHOOL, INC., BOYS AND GIRLS CLUBS OF LAKE & SUMTER COUNTIES, INC., COMMUNITY DEVELOPMENT CORPORATION OF LEESBURG, INC., EARLY LEARNING COALITION OF LAKE COUNTY, HAVEN OF LAKE & SUMTER COUNTIES, INC., LAKE COMMUNITY ACTION AGENCY, INC., LAKE SUMTER CHILDREN'S ADVOCACY CENTER, INC., LEESBURG AREA CHAMBER OF COMMERCE, INC., LEESBURG ART FESTIVAL, INC. DBA LEESBURG CENTER FOR THE ARTS LEESBURG PARTNERSHIP, INC., LIFESTREAM BEHAVIORAL CENTER INC., MELON PATCH PLAYERS, INC., NEW VISION FOR INDEPENDENCE, INC. AND WEST LEESBURG COMMUNITY DEVELOPMENT CORPORATION; AND PROVIDING AN EFFECTIVE DATE

**WHEREAS**, it is permissible for cities to make contributions to non-profit corporations where the contributions further a public purpose; and

**WHEREAS**, Band Parents Association of Leesburg High School, Inc., Boys and Girls Clubs of Lake & Sumter Counties, Inc., Community Development Corporation of Leesburg, Inc., Early Learning Coalition of Lake County, Haven of Lake & Sumter Counties, Inc., Lake Community Action Agency, Inc., Lake Sumter Children's Advocacy Center, Inc., Leesburg Area Chamber of Commerce, Inc., Leesburg Art Festival, Inc. DBA Leesburg Center for the Arts, Leesburg Partnership, Inc., LifeStream Behavioral Center Inc., Melon Patch Players, Inc., New Vision for Independence, Inc. and West Leesburg Community Development Corporation are seeking contributions from the City of Leesburg to help provide a public service to City residents; and

**WHEREAS**, in the past there have been formal executed agreements between the City of Leesburg and agencies receiving such contributions; and

**WHEREAS**, the City of Leesburg desires to continue having such agreements with the various agencies which receive annual contributions;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA:**

That the Mayor and City Clerk of the City of Lees burg are hereby authorized and directed to execute the Civic Organization Funding Agreement between the City of Leesburg and each entity listed above for the amount listed in each contract.

That this resolution shall take effect immediately.

**PASSED AND ADOPTED** by the City Commission of the City of Leesburg, Florida, at a regular meeting held the 24<sup>th</sup> day of November 2014.

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Mayor

ATTEST:

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City Clerk



# AGENDA MEMORANDUM

**Item No:** 4.C.4.  
**Meeting Date:** November 24, 2014  
**From:** Lucy Gangone, Library Director  
**Subject:** Resolution Appointing a Library Advisory Board Member

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**Staff Recommendation:**

Staff recommends the appointment of one individual to the Library Advisory Board for a term of five years; said term to expire on September 30, 2019. The position was advertised, as required.

**Analysis:**

The term of Patricia Atley ended on September 30, 2014. Mrs. Atley had been appointed by the City Commission to serve an unexpired term from October 1, 2011 through September 30, 2014. She has submitted an application to serve an additional five-year term ending September 30, 2019.

Mrs. Atley is a long-term member of the Friends of the Leesburg Library, and has previously served on the Board of Directors of the Friends organization. She is a retired educator with a Master's degree in Education, and is an active patron of the Library.

**Options:**

1. Appoint the applicant, Patricia Atley, to the Library Advisory Board; or
2. Seek other candidates of the Commission's choosing; or
3. Such alternative action as the Commission may deem appropriate

**Fiscal Impact:**

There is no fiscal impact.

**Submission Date and Time:** 11/19/2014 12:55 PM

Department: _____ Prepared by: _____ Attachments: Yes____ No____ Advertised: _____ Not Required _____ Dates: _____ Attorney Review : Yes____ No____ _____ Revised 6/10/04	Reviewed by: Dept. Head _____ Finance Dept. _____ Deputy C.M. _____ Submitted by: _____ City Manager _____	Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____
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RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF  
LEESBURG, FLORIDA APPOINTING ONE MEMBER TO THE  
LIBRARY ADVISORY BOARD TO A FIVE-YEAR TERM, SAID  
TERM TO EXPIRE ON SEPTEMBER 30, 2019; AND PROVIDING  
AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG,  
FLORIDA:

**THAT** the City of Leesburg Commission finds that there is an appointment to be made to the Library Advisory Board in keeping with Section 2, Division 3 (1-92) of the Code of Ordinance of the City relating to the provision of library services.

**THAT** the City Commission hereby appoints Patricia Atley to the five-year term to expire September 30, 2019.

**THAT** this resolution shall become effective immediately.

**PASSED AND ADOPTED** by the City Commission of the City of Leesburg, Florida, at a regular meeting held the 24<sup>th</sup> day of November 2014.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



# AGENDA MEMORANDUM

**Item No:** 5A.

**Meeting Date:** November 24, 2014

**From:** Fred Morrison, City Attorney

**Subject:** Proposed ordinance amending Chapter 5 Subsection 3(a) of the Code of Ordinances pertaining to sales of alcoholic beverages setback requirements for nonprofit corporations in the P (Public) zoning district with a Conditional Use Permit.

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**Re-Hearing:**

At the November 10, 2014 meeting the Commission considered this item. The item was not approved as it had a 2-2 vote. Lacking a clear majority vote, under Robert Rules of Order, it is the City Attorney's opinion this item can be reconsidered again if requested by a Commissioner at the next immediate meeting of the legislative body. Toward that regard, Commissioner Hurley requested this item be reviewed.

All other information and staff recommendation remains unchanged from the previous review.

**Staff Recommendation:**

Adopt the proposed ordinance amending Chapter 5 Subsection 3(a) of the Code of Ordinances pertaining to sales of alcoholic beverages setback requirements for nonprofit corporations in the P (Public) zoning district with a Conditional Use Permit.

**Analysis:**

Current code imposes setbacks on establishments selling or serving alcoholic beverages, from certain uses like churches and schools. The City has received a request from a nonprofit organization to sell alcohol intermittently in conjunction with performances and events at its location, which would be too close to a school and church under current code. This amendment is narrowly crafted to allow a nonprofit organization located on land zoned P – Public to sell or serve alcohol a limited number of times per year, if granted a Conditional Use Permit for that purpose, without regard to the setbacks applicable to commercial businesses selling alcohol.

**Options:**

1. Adopt the proposed Ordinance as presented.
2. Such alternative action as the Commission may deem appropriate

**Fiscal Impact:**

This Ordinance will not require the City to expend funds.



Submission Date and Time: 11/19/2014 12:55 PM

Department: _____ Prepared by: _____ Attachments: Yes____ No ____ Advertised:____Not Required ____ Dates: _____ Attorney Review : Yes____ No ____ _____ Revised 6/10/04	Reviewed by: Dept. Head _____ Finance Dept. _____ Deputy C.M. _____ Submitted by: City Manager _____	Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____
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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, AMENDING §5 – 3(a) OF THE CODE OF ORDINANCES PERTAINING TO SALES OF ALCOHOLIC BEVERAGES, CREATING AN EXCEPTION FROM THE SETBACK REQUIREMENTS FOR NONPROFIT CORPORATIONS IN THE P (PUBLIC) ZONING DISTRICT ONLY, UNDER LIMITED CIRCUMSTANCES, FOR OCCASIONAL SALES WITH A CONDITIONAL USE PERMIT, SPECIFYING CONDITIONS FOR THE EXCEPTION FROM SETBACK REQUIREMENTS, REPEALING CONFLICTING ORDINANCES, PROVIDING A SAVINGS CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA:

SECTION I.

§5 – 3(a) of the Code of Ordinances is amended to read as set forth below (language added is double underlined):

- (a) No person or commercial establishment required to maintain a vendor license issued by the Florida Division of Alcoholic Beverage and Tobacco that sells or serves alcoholic beverages for consumption on the premises, which has or is required to have an business tax registration to operate, shall be located or operate within five hundred (500) feet of a child day care center, public park or playground, hospital, church or school, approved by the city or any other governmental body with land use jurisdiction over the facility, or within five hundred (500) feet of any other establishment approved by the city or any other governmental body with land use jurisdiction over the facility, which sells or serves alcoholic beverages for consumption on the premises, or within three hundred (300) feet of any property zoned for residential uses. These setbacks may be reduced for property owned, or leased for a period in excess of one year, by a nonprofit corporation, which is located within the P (Public) Zoning District, to permit, as a Conditional Use only, the occasional sale of alcohol for consumption within wholly enclosed premises, but only in connection with a performance or other event held on the property. The Conditional Use Permit may require all sale or dispensing of alcoholic beverages to occur indoors. Any nonprofit organization selling or dispensing alcoholic beverages under this provision must obtain and keep in force a policy of public liability insurance providing coverage for any death, injury, or damage to property, arising out of the consumption of alcoholic beverages dispensed by the organization, by any patron of the organization. For purposes of this exception only, the term "occasional" shall mean not more than 55 times in any twelve month period. The Conditional Use Permit may at the City's option impose conditions more restrictive than those specified in this Ordinance, for the protection of the public health, safety and welfare.

## SECTION II.

All ordinances or part of ordinances which are in conflict with this Ordinance are hereby repealed, to the extent necessary to alleviate the conflict, but shall continue in effect insofar as they are not in conflict herewith, unless repeal of the conflicting portion destroys the overall intent and effect of any of the conflicting ordinance, in which case those ordinances so affected shall be hereby repealed in their entirety.

## SECTION III.

If any portion of this Ordinance is declared invalid or unenforceable, and to the extent that it is possible to do so without destroying the overall intent and effect of this Ordinance, the portion deemed invalid or unenforceable shall be severed herefrom and the remainder of the ordinance shall continue in full force and effect as if it were enacted without including the portion found to be invalid or unenforceable.

## SECTION IV.

This Ordinance shall become effective upon its passage and adoption according to law.

**PASSED AND ADOPTED** at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the 24th day of November, 2014.

THE CITY OF LEESBURG, FLORIDA

BY: \_\_\_\_\_  
JOHN CHRISTIAN, Mayor

Attest: \_\_\_\_\_  
J. ANDI PURVIS, City Clerk



# AGENDA MEMORANDUM

**Item No:** 5B.

**Meeting Date:** November 24, 2014

**From:** Bill Wiley, AICP, Community Development Director

**Subject:** Repealing Chapter 25 Zoning Code Section 25-292 Supplemental District Requirements Subsection (3) Alcoholic beverages uses due to a conflict with Chapter 5 Alcoholic Beverages of the code

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**Re-Hearing:**

At the November 10, 2014 meeting the Commission considered this item. The item was not approved as it had a 2-2 vote. Lacking a clear majority vote, under Robert Rules of Order, it is the City Attorney's opinion this item can be reconsidered again if requested by a Commissioner at the next immediate meeting of the legislative body. Toward that regard, Commissioner Hurley requested this item be reviewed.

All other information and staff recommendation remains unchanged from the previous review.

**Staff Recommendation:**

The Planning staff and Planning Commission recommend approval of the repealing of Chapter 25 Zoning Code Chapter 25- Section 292 Supplemental District Requirements Subsection (3) Alcoholic beverages uses due to a conflict with Chapter 5 Alcoholic Beverages of the code.

**Analysis:**

The City Attorney and staff have determined that Chapter 25 Zoning Code Section 25-292 Supplemental District Requirements (3) Alcoholic beverages uses should be deleted from the code due to a conflict with Chapter 5 Alcoholic Beverages of the code.

By a vote of 4 to 0 on October 16, 2014, the Planning Commission voted to recommend approval.

**Options:**

1. Approve the recommended repeal to the Code of Ordinances Chapter 25 Land Development Code Chapter 25 Section 292 Supplemental District Requirements Subsection (3) Alcoholic beverages.
2. Other such action as the Commission may deem appropriate.

**Fiscal Impact:**

There should be no fiscal impact to the City with this proposed change.

Submission Date and Time: 11/19/14 12:55 PM

<p>Department: Community Development Prepared by: Bill Wiley, AICP Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Advertised: <input type="checkbox"/> Not Required <input type="checkbox"/> Dates: _____ Attorney Review : Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> _____ Revised 6/10/04</p>	<p>Reviewed by: Dept. Head <u>  BW  </u> Finance Dept. _____ Deputy C.M. _____ Submitted by: City Manager _____</p>	<p>Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____</p>
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ORDINANCE NO. \_\_\_\_\_

ORDINANCE OF THE CITY OF LEESBURG, FLORIDA,  
REPEALING CHAPTER 25 SECTION 292 SUBSECTION  
(3) OF THE CODE OF ORDINANCES PERTAINING TO  
SALES OF ALCOHOLIC BEVERAGES, DUE TO A  
CONFLICT WITH CHAPTER 5 - 3 OF THE CODE;  
PROVIDING A SAVINGS CLAUSE, AND PROVIDING AN  
EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA:

**SECTION I.**

Chapter 25 Section 292 Subsection (3) Alcoholic beverages of the Code of Ordinances of the City of Leesburg, Florida, is hereby repealed in its entirety, without however affecting the continuing validity of the remaining portions of Chapter 25 Section 292 of the Code.

**SECTION II.**

If any portion of this Ordinance is declared invalid or unenforceable, and to the extent that it is possible to do so without destroying the overall intent and effect of this Ordinance, the portion deemed invalid or unenforceable shall be severed herefrom and the remainder of the ordinance shall continue in full force and effect as if it were enacted without including the portion found to be invalid or unenforceable.

**SECTION III.**

This Ordinance shall become effective upon its passage and adoption according to law.

**PASSED AND ADOPTED** at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the 24<sup>th</sup> day of November, 2014.

THE CITY OF LEESBURG, FLORIDA

BY: \_\_\_\_\_  
JOHN CHRISTIAN, Mayor

Attest: \_\_\_\_\_  
J. ANDI PURVIS, City Clerk



# AGENDA MEMORANDUM

**Item No:** 5C.

**Meeting Date:** November 24, 2014

**From:** Bill Wiley, AICP, Community Development Director

**Subject:** Ordinance amending a PUD for Victoria Gardens at Leesburg to extend the phasing for thirty-six (36) months

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## **Staff Recommendation:**

The Planning staff and the Planning Commission recommend approval of the proposed rezoning, amending a PUD for Victoria Gardens at Leesburg to extend the phasing for thirty-six (36) months.

## **Analysis:**

The proposed PUD (Planned Unit Development) district amendment to extend the phasing for thirty-six (36) months is compatible with adjacent property zoned R-3 (High Density Residential) to the south and east. With the proposed conditions, there does not appear to be a conflict with adjacent property zoned M-1 (Industrial) to the south and west, and with property zoned PUD (Planned Unit Development) to the west.

The proposed PUD (Planned Unit Development) district amendment is compatible with the existing future land use designation of High Density Residential (18 units per acre). The proposed district as conditioned does not appear to create a detriment to adjacent land uses.

By a vote of 4 to 0 on October 16, 2014, the Planning Commission voted to recommend approval.

## **Options:**

1. Approve the proposed PUD (Planned Unit Development) district amendment thereby allowing continuation of the zoning and development proposed for this property.
2. Other such action as the Commission may deem appropriate.

## **Fiscal Impact:**

There will be a positive fiscal impact to the City through the development of this property.

Submission Date and Time: 11/19/14 12:55 PM

<p>Department: Community Development Prepared by: Bill Wiley, AICP Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Advertised: <input type="checkbox"/> Not Required <input type="checkbox"/> Dates: _____ Attorney Review : Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> _____ Revised 6/10/04</p>	<p>Reviewed by: Dept. Head <u>BW</u> Finance Dept. _____ Deputy C.M. _____ Submitted by: City Manager _____</p>	<p>Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____</p>
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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, AMENDING THE PUD (PLANNED UNIT DEVELOPMENT) ZONING OF APPROXIMATELY SIX ACRES GENERALLY LOCATED ON THE NORTH SIDE OF MONTCLAIR ROAD, JUST WEST OF OAKRIDGE CONDOMINIUMS, LYING IN SECTION 22, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, FOR AN EXISTING CITY PUD (PLANNED UNIT DEVELOPMENT); AND PROVIDING AN EFFECTIVE DATE. (W. Lord Lyall, IV)

BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA, that:

**Section 1.**

Based upon the petition of W. Lord Lyall, IV, the petitioners of the property hereinafter described, which petition has heretofore been approved by the City Commission of the City of Leesburg Florida, pursuant to the provisions of the Laws of Florida, the said property located in Lake County, Florida, is hereby amended for the existing PUD (Planned Unit Development), zoning district subject to conditions contained in Exhibit A, to-wit:

(Legal Description)  
See Exhibit B

Alternate Key Number: 3859529 and 1773199

**Section 2.**

This ordinance shall become effective upon its passage and adoption, according to law.

**PASSED AND ADOPTED** at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the 24<sup>th</sup> day of November, 2014.

**THE CITY OF LEESBURG**

By: \_\_\_\_\_  
Mayor John Christian

ATTEST:

\_\_\_\_\_  
J. Andi Purvis, City Clerk

**VICTORIA GARDENS  
REZONING TO AMEND PUD (PLANNED UNIT DEVELOPMENT)  
PLANNED DEVELOPMENT CONDITIONS**

July 10, 2008  
Revised August 18, 2011

This Planned Development Conditions for the amended PUD (Planned Unit Development) District is granted by the City of Leesburg Planning Commission, Lake County, Florida to W. Lord Lyall, IV (Victoria Gardens) "Permittee" for the purposes and subject to the terms and conditions as set forth herein pursuant to authority contained in Chapter 25 Zoning, Section 25-278 Planned Developments of the City of Leesburg Code of Ordinances, as amended.

BACKGROUND: The "Permittee" is desirous of amending the PUD (Planned Unit Development) zoning district to allow construction of a proposed age restricted (55 plus) multi-family residential development consisting of 96 residential units on approximately 6.17 acres located north of Montclair Road, west of McCormack Street, on a site within the City of Leesburg in accordance with their PUD application and supplemental information.

**1. PERMISSION**

Permission is hereby granted to construct, operate, and maintain a Planned Development in and on real property in the City of Leesburg. The property is more particularly described as follows:

LEGAL DESCRIPTION:

See attached legal Exhibit B.

**2. LAND USE**

The above-described property shall be used for an age restricted (55 plus) multi-family residential development, pursuant to City of Leesburg development codes and standards and the Conceptual Development Plan dated April 4, 2008 as follows:

**A. Residential Development**

- 1). The project shall contain a maximum of 96 age restricted (55 plus) residential units on approximately 6.17 acres at a gross density of 15.6 units per gross acre.
- 2). Minimum lot size, width, depth and building setbacks shall at a minimum meet the requirements for the R-3 (High Density Residential) zoning district.
- 3). Minimum distance between structures shall be 20 feet; measured from building wall to building wall.
- 4). Accessory structures shall have a minimum rear and side setback of 5 feet and shall not occupy more than 30 percent of the required rear yard.
- 5). If the architectural building design permits, attached screened enclosures must maintain a minimum setback of five (5) feet from any property line.

- 6). Impervious surface coverage shall not exceed fifty (50) percent for overall project. Open space for the overall project shall be a minimum of fifty (50) percent.
  - 7). Maximum building height shall not exceed three (3) stories or forty (40) feet, except:
    - a. Residential buildings located less than fifty (50) feet from the boundary of Oak Ridge Condominiums property shall not exceed two and one-half stories or thirty five (35) feet in height, as measured at the peak of the roofline.
  - 8). Permitted Uses:
    - a. Single family attached or detached homes - Age restricted (55 plus);
    - b. Multi-family dwellings - Age restricted (55 plus);
    - c. Assisted living facilities - Age restricted (55 plus);
    - d. Accessory structures;
    - c. Temporary modular sales center and construction office until project completion.
- B. Recreational Development
- 1). Recreational development provided on the site shall include active and passive uses, as well as enclosed or un-enclosed recreational space. This space shall be devoted to the common use of the residents. Said area shall consist of not less than 19,200 square feet total recreational space, calculated as two hundred (200) square feet of space per dwelling unit. In computing usable recreation space, the following items may be considered at one and twenty-five hundredths (1.25) times the actual area.
    - a. Recreational activities such as play grounds, basketball, tennis and hand ball courts, etc.
    - b. Developed recreational trails which provide access to the public trail system.
    - c. Swimming pool, including the deck area which normally surrounds such pools.
    - d. Indoor recreation rooms provided such rooms are permanently maintained for the use of residents for recreation.
  - 2). Required recreational amenities shall include a clubhouse and swimming pool.
  - 3). Required storm water areas and buffer areas shall not be considered as recreational space except for any areas developed as recreational trails which provide access to the public trail system.
  - 4). Within the community sidewalks or trails or a combination thereof shall be provided throughout the community to provide pedestrian access from all residences to all amenities.
- C. The commercial use of a sales office and/or model center shall be a permitted use as long as it is specifically related to the PUD residential development of the site.
- D. Open Space and Buffer Areas
- 1). All wetlands on the project site shall be identified and the location and extent of each wetland shall be determined by St. Johns River Water Management District and/or U.S. Army Corp of Engineers. Each wetland shall be placed on a suitable map, signed and sealed by a surveyor registered to practice in Florida and shall be submitted as part of the preliminary plan application.
  - 2). Wetlands shall have a minimum upland buffer as established by St. Johns River Water Management District and/or U.S. Army Corp of Engineers; whichever is more restrictive. All upland buffers shall be naturally vegetated and upland buffers that are devoid of natural vegetation shall be re-planted with native vegetation or as required by St. Johns River Water Management District and/or U.S. Army Corp of

Engineers.

- 3). Land uses allowed within the upland buffers are limited to hiking trails, walkways, passive recreation activities and stormwater facilities as permitted by St. Johns River Water Management District.
- 4). If wetland alteration is permitted by St. Johns River Water Management District and/or U.S. Army Corp of Engineers, wetland mitigation shall be required in accordance with permit approvals from St. Johns River Water Management District or U.S. Army Corp of Engineers, whichever is more restrictive.
- 5). A wildlife/historical/archaeological management plan for the project site shall be prepared based on the results of an environmental assessment of the site and any environmental permit required from applicable governmental agencies. The management plan shall be submitted to the City as part of the preliminary plan application. The Permittee shall designate a responsible legal entity that shall implement and maintain the management plan.
- 6). To the extent practical, wetlands shall be placed in a conservation easement, which shall run in favor of, and be enforceable by, St. Johns River Water Management District or another legal entity such as a homeowners association. The conservation easement shall require that the wetlands be maintained in their natural and unaltered state. Wetlands shall not be included as a part of any platted lot, other than a lot platted as a common area, which shall be dedicated to St. Johns River Water Management District or another legal entity such as a homeowners association for ownership and maintenance.
- 7). Landscape buffer areas shall be required as follows:
  - a. The northern, eastern and western boundaries of the Victoria Gardens site, including property immediately adjacent to the western side of the Oak Ridge Condominium development, and adjacent to all property zoned M-1 (Industrial), shall be enclosed by an eight (8) foot high ~~brick/masonry wall~~ decorative PVC fence with landscaping. Said fence shall have decorative posts and caps as an architectural design element (See Conceptual Fence with and Landscape Details Exhibit D). The wall shall be architecturally compatible with the design of the dwellings. The property adjacent to Oak Ridge Condominiums shall have a minimum twenty-five (25) foot natural buffer on the eastern side of the wall.
- 8). Landscaping of the required buffer areas shall be as follows:

For each one hundred (100) linear feet, or fraction thereof, of boundary, the following plants shall be provided in accordance with the planting standards and requirements of the Land Development Code.

  - a. Two (2) canopy trees
  - b. Two (2) ornamental trees
  - c. Thirty (30) shrubs
  - d. The remainder of the buffer area shall be landscaped with grass, groundcover, and/or other landscape treatment.
  - e. Existing vegetation in the required buffer shall be protected during construction.
  - f. Variations to the landscape requirements may be approved i.e. where walls are used, by the Community Development Director as long as the intent of the PUD is maintained.

E. Development Phasing

- 1). The proposed project may be constructed in phases in accordance with the Planned

Unit Development Conditions and Conceptual Plan. Changes to the Development Plan, other than those conditions described in this agreement, shall be revised in accordance with the Planned Unit Development review process.

- 2). Implementation of the project shall substantially commence within 36 months of the amended approval of this Planned Development. In the event, the conditions of the PUD have not been substantially implemented during the required time period, the PUD shall be scheduled with due notice for reconsideration by the Planning Commission at their next available regular meeting. The Planning Commission will consider whether to extend the PUD approval or rezone the property to the current zoning of R-3 (High Density Residential) and M-1 (Industrial) or another appropriate zoning classification less intense than the development permitted by these PUD Conditions.

### 3. **STORMWATER MANAGEMENT / UTILITIES**

Prior to receiving final development approval, the Permittee shall submit a stormwater management plan and utility plan acceptable to the City of Leesburg. Water, wastewater and natural gas services will be provided by the City of Leesburg. Prior to any clearing, grubbing, or disturbance of natural vegetation in any phase of the development, the Permittee shall provide:

- A. A detailed site plan that demonstrates no direct discharge of stormwater runoff generated by the development into any wetlands or onto adjacent properties.
- B. A stormwater management system designed and implemented to meet all applicable St. Johns River Water Management District and City of Leesburg requirements.
- C. A responsible legal entity for the maintenance of the stormwater management system on the plat prior to the approval of the final plat of record. A homeowners association is an acceptable maintenance entity.
- D. The 100-year flood plain shown on all plans and lots.
- E. The appropriate documentation that any flood hazard boundary has been amended in accordance with Federal Emergency Management Agency requirements, if the 100 year flood plain is altered and /or a new 100 year flood elevation is established in reference to the applicable flood insurance rate map.
- F. A copy of the Management and Storage of Surface Waters permit obtained from St. Johns River Water Management District.
- G. A detailed site plan that indicates all the provisions for electric, water, sewer, and/or natural gas in accordance with the City of Leesburg Land Development Codes.
- H. Developer shall bear all responsibility, financial and otherwise, for the construction and installation of utility infrastructure and other improvements related to the use and development of the property including such off site improvements required by the City, all of which shall be constructed to the applicable specifications imposed by the ordinances and regulations of the City in effect at the time of construction.
- I. Developer shall be responsible for the installation of a natural gas water heater and natural gas furnace in eighty percent (80%) of all units in the development.

### 4. **TRANSPORTATION IMPROVEMENTS**

- A. Vehicular access to the project site shall be provided from Montclair Road on the south. An additional "emergency only" entrance may be constructed on the north eastern side of the property to allow cross access to emergency vehicles such as police and fire between Victoria Gardens and Oak Ridge Condominiums. Actual location and design of access points shall be determined during the site plan review process and shall include consideration of sidewalks, recreation paths etc. Other potential vehicular and pedestrian

accesses will be reviewed during the development review process.

- B. The Permittee shall provide all necessary improvements/paving/turn lanes/right-of-way/signalization within and adjacent to the development including but not limited to right-of-way for Montclair Road as required by Lake County or the City of Leesburg.
- C. All roads within the development shall be designed and constructed by the developer to meet the City of Leesburg requirements.
- D. Sidewalks shall provide cross connections to all recreation and residential areas. Internal road rights-of-ways shall be of sufficient width to contain a sidewalk. All sidewalks shall be constructed in accordance with City of Leesburg Codes.
- E. The Permittee shall be responsible for obtaining all necessary Lake County permits. A copy of all permits shall be provided to the City of Leesburg prior to construction plan approval.
- F. The City of Leesburg will not be responsible for the maintenance or repair of any of the roads or transportation improvements unless specifically accepted by formal action of the City Commission. The Permittee shall establish an appropriate legal entity that will be responsible to pay the cost and perform the services to maintain the roads and transportation improvements.
- G. A traffic/transportation study shall be submitted prior to site plan approval for review and determination of any necessary access improvements. Said improvements will be the responsibility of the Permittee.
- H. Any issues with regard to easement or access to adjacent properties shall be reviewed by the City Attorney prior to the approval of the final construction plans.
- I. Any issues regarding current or previous ownership or development rights of the property shall be reviewed by the City Attorney prior to approval of final construction plans.

## 5. **DESIGN REQUIREMENTS**

- A. Residential Development
  - 1). Building Design Features
    - a. All buildings shall utilize at least three of the following design features to provide visual relief along all elevations of the building:
      - (1) Dormers
      - (2) Gables
      - (3) Recessed entries
      - (4) Covered porch entries
      - (5) Cupolas
      - (6) Pillars or posts
      - (7) Bay window (minimum 12 inch projections)
      - (8) Eaves (minimum 6-inch projections)
      - (9) Repetitive windows with minimum 4-inch trim.
- B. Exterior building materials contribute significantly to the visual impact of a building on the community. They shall be well designed and integrated into a comprehensive design style for the project. The total exterior wall area of each building elevation shall be composed of one of the following:
  - 1). At least thirty-five percent (35%) full-width brick or stone (not including window and door areas and related trim areas), with the balance being any type of lap siding and/or stucco.

- 2). At least thirty percent (30%) full-width brick or stone, with the balance being stucco and/or a "cementitious" lap siding. (A "cementitious" lap siding product is defined as a manufactured strip siding composed of cement-based materials rather than wood fiber-based or plastic-based materials. For example, Masonite or vinyl lap siding would not be allowed under this option.).
  - 3). All textured stucco, provided there are unique design features such as recessed garages, tile or metal roofs, arched windows etc. in the elevations of the buildings or the buildings are all brick stucco. Unique design features shall be reviewed by the Community Development Director for compliance
- C. Other Features
- 1) Other similar design variations meeting the intent of this section may be approved at the discretion of the Community Development Director.
  - 2) Trash compactors, dumpsters, and automotive repair or wash locations shall be sited on the western half of the property.
- D. Parking Requirements
- 1). All units shall meet the following minimum parking standards.
    - a. A minimum of two off street parking spaces shall be provided for each unit. For units with three or more bedrooms, three off street parking spaces shall be provided for each unit. On street parking for residents shall be prohibited.

## 6. MISCELLANEOUS CONDITIONS

- A. The uses of the proposed project shall only be those uses identified in the approved Planned Development Conditions. Any other proposed use must be specifically authorized by the Planning Commission in accordance with the Planned Development amendment process.
- B. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, or alter the land in any manner without first submitting the necessary plans and obtaining appropriate approvals in accordance with the City of Leesburg Codes.
- C. Construction and operation of the proposed use(s) shall at all times comply with City and other governmental agencies rules and regulations.
- D. The transfer of ownership or lease of any or all of the property described in this PUD Agreement shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions pertaining to the Planned Development established and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following the procedures as described in the City of Leesburg Land Development Code, as amended.
- E. These PUD Conditions shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present owner and any successor, and shall be subject to each and every condition herein set out.
- F. Any violation of City, State or Federal laws or permit requirements concerning the development of this project will constitute a violation of this permit and will result in all activities on the project site being halted until the violation is satisfactorily resolved and may result in a hearing before the Planning Commission to determine whether a change in

the conditions of this PUD are necessary.

## 7. CONCURRENCY

The proposed land use change or approval would result in demands on public facilities which would exceed the current capacity of some public facilities, such as, but not limited to roads, sewage, water supply, drainage, solid waste, parks and recreation, schools and emergency medical facilities. However, no final development order (building permits) shall be granted for a proposed development until there is a finding that all public facilities and services required for the development have sufficient capacity at or above the adopted level of service (LOS) to accommodate the impacts of the development, or that improvements necessary to bring facilities up to their adopted LOS will be in place concurrent with the impacts of the development.

### A. Utilities

#### 1. Projected Capacities

- a. The City's utility planning efforts draw upon phasing, capacity and service requirements, based upon information provided by the applicant. The City develops its plans consistent with sound engineering principles, prudent fiscal practices and due regard for regulatory compliance.
- b. The development will require construction of new distribution mains, since existing facilities in the service area are not adequate. Should the developer wish to accelerate the construction of such facilities to provide service, the developer will bear the cost of design, permitting and construction. Any such facilities must be constructed in a fashion consistent with the City's master plans and to the City standards and specifications.
- c. The City is in the process of Consumptive Use Permit renewal. The application provides for anticipated demands due to this and other potential development

### B. Commitment of Capacity

There are no previous commitments of any existing or planned excess capacity.

### C. Ability to Provide Services

- 1). The City intends to provide water, wastewater and reclaimed water services within its service area for the foreseeable future.
- 2). The City updates its Ten-Year Capital Improvement Plan (CIP) as part of our annual budgetary process. Included within the CIP are water, wastewater, and reclaimed water improvements necessary to provide service to proposed development.



- 3). The City has completed an impact fee study, based in part on the CIP in order to assure adequate and appropriate funding for required improvements. The combination of master planning and CIP planning has allowed the City to issue bonds to fund new potable water facilities and substantial reuse facilities, among other infrastructure improvements.

## LEGAL DESCRIPTION

## EXHIBIT B

### **PARCEL "A"**

FROM THE S.E. CORNER OF THE N.E. 1/4 OF THE S.E. 1/4 OF THE S.W. 1/4 OF SECTION 22, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; THENCE N. 89°20'40" W. ALONG THE SOUTH LINE OF SAID N.E. 1/4 OF THE S.E. 1/4 OF THE S.W. 1/4 FOR 416.46 FEET; THENCE N. 00°14'50" E. 98.00 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUE N. 00°14'50" E. 502.00 FEET; THENCE N. 89°20'40" W. PARALLEL TO THE SOUTH LINE OF SAID N.E. 1/4 OF THE S.E. 1/4 OF THE S.W. 1/4 165.00 FEET; THENCE S. 00°14'50" W. 320.91 FEET; THENCE S. 88°30'20" E. 100.33 FEET; THENCE S. 02°04'22" W. 179.73'; THENCE S. 89°20'40" E. PARALLEL TO THE SOUTH LINE OF SAID N.E. 1/4 OF THE S.E. 1/4 OF THE S.W. 1/4, 70.36 FEET TO THE POINT OF BEGINNING.

Said lands being, lying and situate in Lake County, Florida

### **PARCEL "B"**

BEGIN AT THE NORTHWEST CORNER OF LOT 79, OF OAKRIDGE CONDOMINIUM, PHASE I, A SUBDIVISION RECORDED IN CONDO BOOK 2, PAGES 67 AND 68 IN THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, RUN N. 55°07'53" W., 24.31 FEET TO THE NORTHEAST CORNER OF LOT 50, OF OAKRIDGE CONDOMINIUM, PHASE I; THENCE N. 00°12'16" E., 10.00 FEET; THENCE N. 89°25'34" W. PARALLEL WITH THE NORTH LINE OF SAID LOT 50, A DISTANCE OF 89.94 FEET; THENCE S. 00°14'50" W., 10.00 FEET TO THE NORTHWEST CORNER OF LOT 50, SAID POINT ALSO BEING AT

THE NORTHEAST CORNER OF TRACT "D", OF OAKRIDGE CONDOMINIUM, PHASE I; THENCE N. 89°25'34" W. ALONG THE NORTH LINE OF TRACT "D", THENCE S. 00°14'50" W. ALONG THE NORTH LINE OF TRACT "D" A DISTANCE OF 10.00 FEET TO THE NORTHWEST CORNER OF TRACT "D", THENCE S. 00°14'50" ALONG THE WEST LINE OF TRACT "D" A DISTANCE OF 98.95 FEET; THENCE N. 89°26'02" W. 165.00 FEET; THENCE N. 00°12'03" E. 60.00 FEET; THENCE N. 89°28'50" W., 81.52 FEET; THENCE N. 00°14'19" E., 436.50 FEET; THENCE S. 89°25'34" E., 246.33 FEET; THENCE N. 00°49'10" W., 62.12 feet; thence s. 68°43'06" e., 210.67 FEET TO A POINT ON THE WEST LINE OF TRACT "B" OF OAKRIDGE CONDOMINIUM, PHASE I; THENCE S. 03°45'28" E. ALONG THE WEST LINE OF TRACT "B", A DISTANCE OF 15.91 FEET TO THE NORTHWEST CORNER OF LOT 24, A DISTANCE OF 103.19 FEET TO THE SOUTHWEST CORNER OF LOT 24; THENCE S. 22°57'30" E., 27.92 FEET TO THE NORTHWEST CORNER OF LOT 73, OF OAKRIDGE CONDOMINIUM, PHASE I; THENCE S. 00°14'50" W. ALONG THE WEST LINE OF LOTS 73, 72, 71, 70 AND 69 OF OAKRIDGE CONDOMINIUM. PHASE I A DISTANCE OF 253.60 FEET TO THE NORTHEAST CORNER OF LOT 79 OF OAKRIDGE CONDOMINIUM, PHASE I; THENCE N. 89°45'10" W. ALONG THE NORTH LINE OF LOT 79. A DISTANCE OF 87.33 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING LIFT STATION SITE. OWNERSHIP OF WHICH IS TO BE RETAINED BY GRANTOR:

THE NORTH 30 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

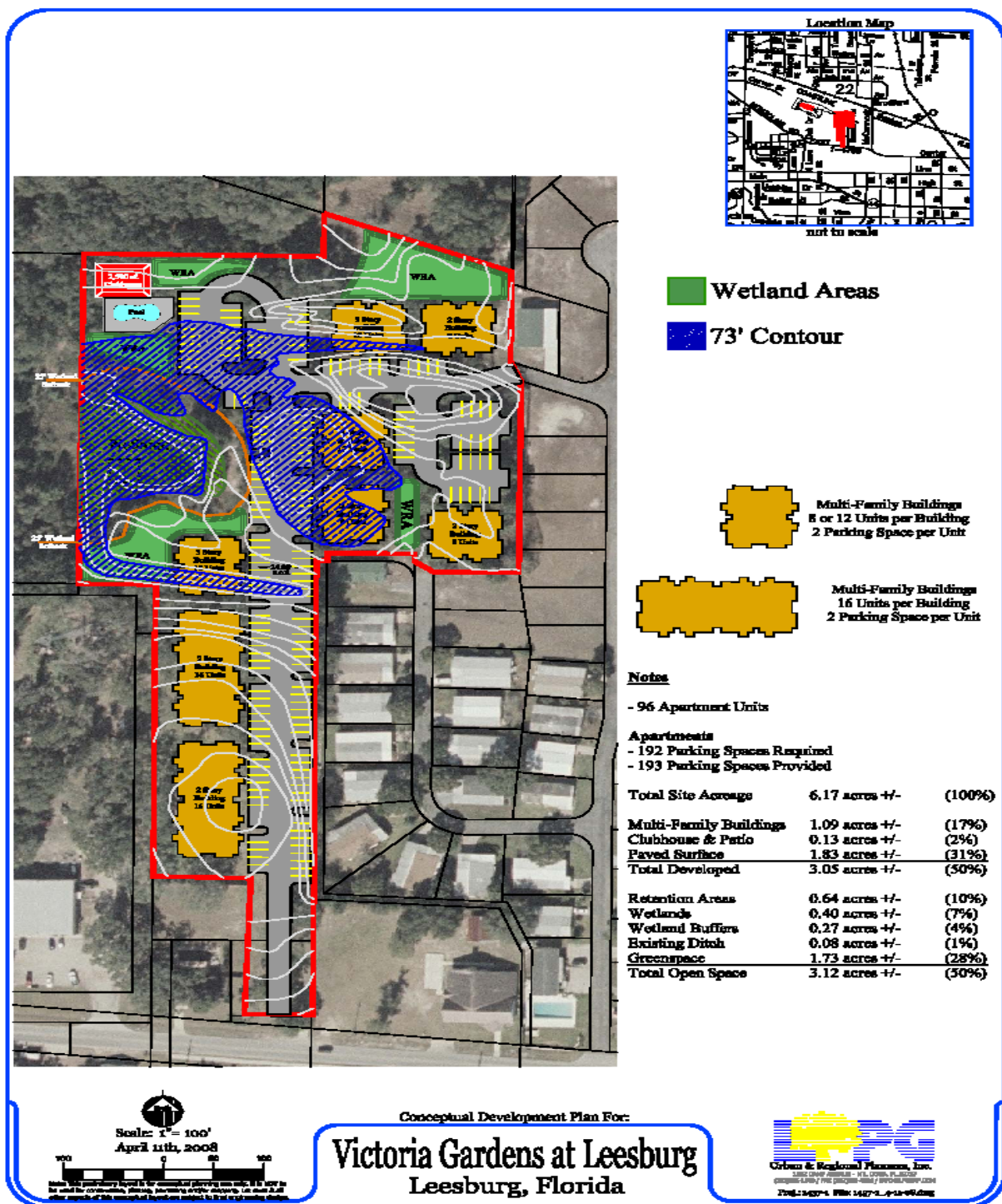
COMMENCE AT THE NORTHWEST CORNER OF LOT 79, OF OAKRIDGE CONDOMINIUM, PHASE I, A SUBDIVISION RECORDED IN CONDO BOOK 2, PAGES 67 AND 68 IN THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, RUN N. 55°08'53" W., 24.31 FEET TO THE NORTHEAST CORNER OF LOT 50, OF OAKRIDGE CONDOMINIUM, PHASE I, AND THE POINT OF BEGINNING OF THIS EASEMENT DESCRIPTION FROM SAID POINT OF BEGINNING RUN N. 00°12'16" E., 10.00 FEET; THENCE N. 89°25'34" W. PARALLEL WITH BEGINNING RUN N. 00°12'16" E., 10.00 FEET; THENCE N. 89°25'34" W. PARALLEL WITH THE NORTH LINE OF SAID LOT 50, A DISTANCE OF 89.94 FEET; THENCE CONTINUE NORTH 89°25'34" WEST PARALLEL WITH THE NORTH LINE OF SAID LOT 50, A DISTANCE OF 95.57 FEET; THENCE NORTH 00°14'50" EAST, 179.20 FEET; THENCE SOUTH 89°45'10" EAST, 21.93 FEET; THENCE SOUTH 00°14'50" WEST, 169.33 FEET; THENCE SOUTH 89°25'34" EAST, 173.58 FEET; THENCE SOUTH 00°12'16" WEST, 26.84 FEET; THENCE NORTH 55°07'53" WEST, 12.15 FEET TO THE POINT OF BEGINNING.

ALSO RESERVING UNTO THE GRANTOR THE FOLLOWING EASEMENT FOR INGRESS, EGRESS AND PROVISION OF UTILITIES TO THE ABOVE DESCRIBED LIFE STATION SITE:

COMMENCE AT THE NORTHWEST CORNER OF LOT 79 OF OAKRIDGE CONDOMINIUM, PHASE I, A SUBDIVISION RECORDED IN CONDO BOOK 2, PAGES 67 AND 68 IN THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, RUN NORTH 55°07'53" WEST, 24.31 FEET TO THE NORTHEAST CORNER OF LOT 50, OF OAKRIDGE

CONDOMINIUM PHASE I, AND THE POINT OF BEGINNING OF THE EASEMENT DESCRIPTION, FROM SAID POINT OF BEGINNING RUN NORTH 00°12'16" EAST, 10.00 FEET; THENCE NORTH 89°25'34" WEST, PARALLEL WITH THE NORTH LINE OF SAID LOT 50, A DISTANCE OF 89.94 FEET; THENCE CONTINUE NORTH 89°25'34" WEST, PARALLEL WITH THE NORTH LINE OF SAID LOT 50, A DISTANCE OF 95.57 FEET; THENCE NORTH 00°14'50" EAST, 179.20 FEET; THENCE SOUTH 89°45'10" EAST 21.93 FEET; THENCE SOUTH 00°14'50" WEST, 169.33 FEET; THENCE SOUTH 89°25'34" EAST, 173.58 FEET; THENCE SOUTH 00°12'16" WEST, 26.84 FEET; THENCE NORTH 55°07'53" WEST, 12.15 FEET TO THE POINT OF BEGINNING LESS: THE NORTH 30 FEET THEREOF.

THE FORGOING EASEMENT SHALL BE FOR THE PURPOSE OF PROVIDING INGRESS AND EGRESS TO THE LIFT STATION SITE AND SHALL REMAIN IN FORCE UNTIL GRANTEE HAS SUBMITTED A PLAT OR SITE PLAN FOR THE DEVELOPMENT OF THE PROPERTY HEREIN DESCRIBED, AND HAS AT GRANTEE'S EXPENSE SURVEYED AND CONVEYED TO GRANTOR IN FEE SIMPLE, FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES (OR WITH ALL LIENS AND ENCUMBRANCES DULY SUBORDINATED) A SUBSTITUTE EASEMENT PROVIDING INGRESS AND EGRESS TO THE LIFT STATION SITE. UPON THE RECORDING OF THIS SUBSTITUTE EASEMENT, THE EASEMENT HEREBY RESERVED TERMINATE.  
ALTERNATE KEY #'S: 3859529 & 1773199







# AGENDA MEMORANDUM

**Item No:** 5D.

**Meeting Date:** November 24, 2014

**From:** Bill Wiley, AICP, Community Development Director

**Subject:** Amending Chapter 7 Buildings and Building Regulations of the City of Leesburg Code of Ordinances, by adding ARTICLE XIV, Property Maintenance Code to provide minimum maintenance standards for all property, buildings, and structures, effective January 1, 2015.

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**Staff Recommendation:**

The Building Division and Code Enforcement Staff recommends amending Chapter 7, City of Leesburg Code of Ordinances, by adding ARTICLE XIV Property Maintenance Code, thereby providing minimum maintenance standards for all property, buildings, and structures in the City.

**Analysis:**

This amendment adopts the 2012 International Property Maintenance Code, as amended. This code provides minimum maintenance standards for safeguarding the public welfare by protecting the condition and maintenance of all property, buildings, and structures. Adoption of this amendment will help protect the safety and welfare of all structures and provide clear standards and guidelines for enforcement of violations. Utilized in conjunction with the building and fire codes of the City, the Property Maintenance Code will help maintain safe, clean, attractive buildings and properties in both our neighborhoods and commercial corridors, thus enhancing both new development and redevelopment opportunities and promoting economic development in Leesburg. The Code Enforcement Division staff will emphasize the enforcement of exterior maintenance for all buildings along with interior maintenance for all residential rental buildings. In addition, Code Enforcement will coordinate with the Building Division on the removal of unsafe structures. The minimum requirements and standards of this proposed Property Maintenance Code will become effective January 1, 2015.

**Options:**

1. Approve the recommended amendment to the Code of Ordinances Chapter 7, by adding ARTICLE XIV, Property Maintenance Code.
2. Other such action as the Commission may deem appropriate.

**Fiscal Impact:**

A small positive fiscal impact can be expected due to improvements of property valuations reflected in increased ad valorem tax revenues.

Submission Date and Time: 11/19/14 12:55 PM

<p>Department: Community Development Prepared by: Bill Wiley, AICP/Jay Connell Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Advertised: <input type="checkbox"/> Not Required <input type="checkbox"/> Dates: _____ Attorney Review : Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> _____ Revised 6/10/04</p>	<p>Reviewed by: Dept. Head <u>  BW  </u> Finance Dept. _____ Deputy C.M. _____ Submitted by: City Manager _____</p>	<p>Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____</p>
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ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA,  
ADOPTING THE 2012 EDITION OF INTERNATIONAL  
PROPERTY MAINTENANCE CODE, AND AMENDMENTS  
THERE TO PROVIDING FOR REGULATING AND GOVERNING  
THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY,  
BUILDINGS AND STRUCTURES; AND PROVIDING AN  
EFFECTIVE DATE.**

**WHEREAS**, the 2012 International Property Maintenance Code, as amended, provides standards to safeguard life or limb, health, property, and public welfare by regulating, governing, and controlling the conditions and maintenance of all property, buildings, and structures, and

**WHEREAS**, it is in the best interests of the citizens of the City of Leesburg and the protection of the public health, safety and welfare for the City of Leesburg to adopt and enforce a Property Maintenance Code,

**NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF  
LEESBURG, FLORIDA:**

**SECTION I.**

**Chapter 7 Buildings and Building Regulations** of the Code of Ordinances of the City of Leesburg, Florida, is hereby amended to add **ARTICLE XIV. Property Maintenance Code** and shall, after the effective date of this Ordinance, read as set forth below:

**International Property Maintenance Code Adopted.**

The International Property Maintenance Code, 2012 edition, published by the International Code Council as amended, is adopted as the Property Maintenance Code for the City of Leesburg, Florida, comprised more specifically of the International Property Maintenance Code, 2012 edition, Florida Building Code – Residential, Building Code – Accessibility, Building Code – Energy, and Building Code – Existing, each of which is adopted by reference, and incorporated into this Code as fully as if set out in full herein. The Property Maintenance Code is hereby adopted as the property maintenance code to provide standards to safeguard life or limb, health, property, and public welfare by regulating, governing, and controlling the conditions and maintenance of all property, buildings, and structures within this jurisdiction and to provide for a just, equitable, and practicable method whereby buildings or structures, which from any cause endanger the life, limb, morals, property, safety, or welfare of the general public or their occupants, may be repaired, vacated, or demolished. The minimum requirements and standards of the International Property Maintenance Code, 2012 edition, as amended, will become effective January 1, 2015.

**SECTION II.**

**Sections 101. through 701.** of the International Property Maintenance Code, 2012 edition, is hereby added and amended in its entirety to the Leesburg Code of Ordinances as the **Property Maintenance Code**, and shall, after the effective date of this Ordinance, read as set forth below:



## **101.2. Amendments, additions, and deletions to the 2012 International Property Maintenance Code.**

The following sections and subsections of the property maintenance code adopted in this article shall be amended, added, or not adopted by the city as follows. All other sections or subsections of the 2012 International Property Maintenance Code shall remain the same.

**101.3. Title.** These regulations shall be known as the Property Maintenance Code of the City of Leesburg, Florida, hereinafter referred to as "this code."

**102.4. Application of other codes.** Repairs, additions, or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Property Maintenance Code, 2012 edition, Florida Building Code – Residential, Building Code – Accessibility, Building Code – Energy, and Building Code – Existing, Mechanical, Building Code – Plumbing, Building Code – Residential, Building Code – Accessibility, Building Code – Energy, Building Code – Existing, Fire Prevention Code, Fuel Gas Code, and Electrical Code, Nothing in this code shall be construed to cancel, modify or set aside any provision of the Ordinances of Leesburg, Florida.

**103.1. Deleted.**

**103.2 Appointment.** The City Manager shall designate the Chief Property Maintenance Official and Inspectors "Code Officials" that are the code officials to enforce the provisions of this code.

**103.3. Deleted.**

**103.4 Liability.** The "Code Officials", Special Magistrate, or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be afforded all the protection by the city's insurance pool and any immunities and defenses provided by other applicable state and federal laws and be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit, or proceeding that is instituted in pursuance of the provisions of this code.

**103.5 Fees.** The fees for building permits, activities, and services performed by the department in carrying out its responsibilities under this code shall be as established by Resolution of the City Commission.

**110.1 Demolition General.** The Code Official shall order the owner of any premises upon which is located any structure, which in the Code Official's judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary, or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such

structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than 12 months, the code official shall order the owner to demolish and remove such structure. The structure must remain secured during the 12-month time period.

**111.1 General.** Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Board of Adjustment provided that a written application for appeal is filed within 20 days after the day the decision, notice, or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. The City Commission is additionally charged with the review of all proposed changes to the Property Maintenance Code. The Board of Adjustment shall have no authority relative to the interpretation of the administrative provisions of this code nor shall the Board of Adjustment be empowered to waive requirements of this code.

**111.2. Appointment of Special Magistrate.** The Leesburg Special Magistrate shall rule on matters pertaining to violations of this Code. The Magistrate shall be appointed by the City Commission.

**111.4 Open hearing.** All hearings before the Magistrate and Board of Adjustment shall be open to the public. The appellant or alleged violator, as the case may be, the appellant's or violator's representative, the code official, and any person whose interests are affected shall be given an opportunity to be heard.

**112.4 Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to code violations and/or administrative citations through the code enforcement process.

**113.1 Special assessment.** The code official shall cause an account to be kept against each lot or parcel of the cost to the city for the correction and control of any vegetation nuisance during the growing season of each year, for the cost of demolition and removal where the owner fails to comply with a demolition order, for the abatement of an unsafe condition which the owner fails to comply, and for the costs of emergency repairs. The costs shall be certified to the City Finance Director on or before August 1 of each year.

**113.2 Estimate of assessment.** The Finance Director shall prepare an estimate of the assessment against each lot or parcel for the correction and control of any vegetation nuisance for the preceding growing season, demolition, abatement of unsafe conditions, and emergency repairs, including therein the expense of levying such special assessment against each lot or parcel. Such estimates shall be submitted to the City Commission.

**113.3 Assessment hearing.** Upon the filing of the assessment roll with the Finance Director, the City Commission shall fix a time and place of hearing upon the assessment, not less than 20 days from the date of filing thereof. The Finance Director shall thereupon publish a notice of the time and place of hearing in the official newspaper one week prior to the date set for the hearing. The notice shall in general terms describe the improvement for

which the special assessment is levied, the date of filing of the assessment roll, the time and place of the hearing thereon, and that the roll will be open for public inspection at the office of the city Finance Director and shall refer to the special assessment roll for further particulars. In addition to the publication of the notice of hearing, the Finance Director shall mail a copy of the notice by first class mail, addressed to the owner of any property to be assessed for the improvements, at the address as shown by the records of the Finance Director. The mailings shall be at least one week prior to the date set for the hearing. The owner of any lot or parcel of land against which a special assessment is to be so levied, or its occupant or person in charge, may appear before the council at such meeting to protest such assessment and to give reasons why such assessment should not be levied. Upon the day so named, the council shall meet, and if they find the estimate correct and the actions of the code official resulting in the estimate to be in accordance with the provisions of this article, they shall approve the assessment by resolution and file such assessment roll with the Finance Director; or, if not correct, they shall correct or modify the estimate, approve the assessment as corrected or modified, and file such assessment roll with the Finance Director; or, if not in accordance with the provisions of this article, shall disapprove such assessment. From the date of the approval and filing of such assessment roll with the Finance Director, the assessment shall be and become a special lien against the various pieces of property described in the assessment roll and shall be collected in a like manner as special assessments for public improvements.

**201.3 Terms defined in other codes.** Where terms are not defined in this code and are defined in the Florida Building, Plumbing, Mechanical, Fuel, Residential and Existing codes, Florida Fire Prevention Code, Ordinances of Leesburg, Florida, such terms shall have the meanings ascribed to them as stated in those codes.

**302.4 Weeds.** All premises and exterior property shall be maintained free from all actively growing plants declared to be statewide noxious weeds the State of Florida, all actively growing weeds declared by the City of Leesburg and by the county to be locally noxious, and all other non-woody plants growing in the city to a greater height than eight inches, are noxious, dangerous, and unhealthful, and are hereby declared to be a nuisance. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees and shrubs provided. This does not apply to vegetation that is being grown as a crop, livestock pasture, wildflower display gardens, right-of-way of rural section roads, if the vegetation has been designated by the Director of Parks and Recreation as a natural area or native planting, or unimproved developments except for a 25-foot mowed buffer adjacent to the right-of-way.

**302.4.1 Duty to correct.** The occupant, person in charge, or owner of any lot or parcel of land in the city shall keep such lot, to include any abutting city right-of-way except as provided herein, free of such nuisance vegetation by cutting, spraying, or removal, as may be appropriate. The code official has the authority to require compliance with this article on all property. The code official shall cause public notice to be given requiring all lots or parcels of land in the city to be kept free from all vegetation declared by Section 302.4 to be a nuisance. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice, the owner or agent shall be subject to code enforcement/administrative citations in accordance with the Leesburg Code Ordinances. The notice shall provide that all vegetation determined to be a nuisance and left uncorrected shall be cut, sprayed or removed by the city, and the cost thereof shall be billed to the property owner. If the bill is left unpaid the cost will be assessed against that property, to

include the cost of levying such special assessment. The notice shall be by general public notice, published in the official newspaper once a week for two consecutive weeks, with a copy mailed to the owner or other person in charge of the property at the address listed on the tax roll, and shall be deemed sufficient to allow those actions authorized by this Chapter.

**302.4.2 Correction by city.** If the occupant, person in charge, or owner of any lot or parcel of land fails to correct any such vegetation nuisance as required within ten days of the last publication of the general notice, as set forth in Section 302.4.1, the code official shall cause such vegetation to be cut, sprayed or removed, and for such purpose the person allowed to do the work shall be allowed to enter upon any lot or parcel of land. No person shall intentionally interfere or attempt to interfere with the cutting, spraying, or removal of such vegetation.

**302.8 Motor vehicles.** Abandoned and inoperative vehicles shall be regulated by Article III of Chapter 25 of the Ordinances of City of Leesburg, Florida.

**302.9 Defacement of property.** Placement of graffiti shall be regulated by the Ordinances of City of Leesburg, Florida.

**303.1 Swimming pools.** Swimming pools shall be maintained in a safe, clean and sanitary condition and in good repair.

**303.2 Enclosures.** Private swimming pools, hot tubs, and spas containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is a minimum of 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced, or changed in a manner that reduces its effectiveness as a safety barrier.

**Exception:** Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

**304.1. Exterior of structures – General.** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare as per Sections 304.1.1. through 304.19. of the 2012 IPMC, as amended.

**Exception:** Sections 304.1.3. is covered in other sections of the Code of Ordinances.

**304.14 Insect screens.** During the period from April 1 to September 30, every door, window, and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

**Exception:** Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

401 through 601 shall apply to residential rentals, commercial, and industrial properties.

### **SECTION III.**

All ordinances or part of ordinances which are in conflict with this Ordinance are hereby repealed, to the extent necessary to alleviate the conflict, but shall continue in effect insofar as they are not in conflict herewith, unless repeal of the conflicting portion destroys the overall intent and effect of any of the conflicting ordinance, in which case those ordinances so affected shall be hereby repealed in their entirety.

### **SECTION IV.**

If any portion of this Ordinance is declared invalid or unenforceable, and to the extent that it is possible to do so without destroying the overall intent and effect of this Ordinance, the portion deemed invalid or unenforceable shall be severed herefrom and the remainder of the ordinance shall continue in full force and effect as if it were enacted without including the portion found to be invalid or unenforceable.

### **SECTION V.**

This Ordinance shall become effective upon its passage and adoption on January 1, 2015.

**PASSED AND ADOPTED** at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the 24<sup>th</sup> day of November, 2014.

**THE CITY OF LEESBURG**

By: \_\_\_\_\_  
Mayor John Christian

ATTEST:

\_\_\_\_\_  
J. Andi Purvis, City Clerk



# AGENDA MEMORANDUM

**Item No:** 5E.

**Meeting Date:** November 24, 2014

**From:** Bill Wiley, AICP, Community Development Director

**Subject:** A revised ordinance adopting the Interlocal Service Boundary Agreement (ISBA) among the City of Leesburg, the City of Fruitland Park, the City of Tavares, the Villages Center Community Development District, and Lake County.

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**Staff Recommendation:**

Staff requests the City Commission approve the ordinance for the Interlocal Service Boundary Agreement (ISBA) between Leesburg, the referenced Cities, the Villages, and the County.

**Analysis:**

The ISBA for south Leesburg was adopted on March 14, 2013 which covers the south portion of Leesburg. As a continuation of the ISBA process, staff has completed a new ISBA which includes the south and the remaining area of Leesburg. Also included in the ISBA is a Fire and Emergency Medical Services Agreement between the city and county. With the adoption of these agreements, the City will be able to annex non-contiguous property within the ISBA into Leesburg. Examples of non-contiguous property that request to be annexed are White Marsh Subdivision which is adjacent to Plantation on the south and west of US 27 and a proposed pharmacy on north CR 473. There are currently in White Marsh Subdivision one-hundred completed homes in Phase I and an additional one-hundred homes planned for Phase II which needs City utilities. **Note** that two revisions have been added at the county's request since the first reading that are recommended by staff (See attached Document 1)

**Options:**

1. Approve the ordinance adopting the Interlocal Service Boundary Agreement (ISBA) dated November 10, 2014.
2. Other such action as the Commission may deem appropriate.

**Fiscal Impact:**

There is a positive fiscal impact to the City through future development brought into the City under provisions of this agreement.

Submission Date and Time: 11/19/14 12:55 PM

<p>Department: Community Development Prepared by: Bill Wiley, AICP Attachments: Yes__X_ No ____ Advertised: ____Not Required ____ Dates: ____ Attorney Review : Yes_X_ No ____  Revised 6/10/04</p>	<p>Reviewed by: Dept. Head <u>  BW  </u>  Finance Dept. ____  Deputy C.M. ____ Submitted by: City Manager ____</p>	<p>Account No. ____  Project No. ____  WF No. ____  Budget ____  Available ____</p>
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**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ADOPTING THE INTERLOCAL SERVICE BOUNDARY AGREEMENT (ISBA) BETWEEN THE CITY OF LEESBURG, THE CITY OF FRUITLAND PARK, THE CITY OF TAVARES, THE VILLAGES CENTER COMMUNITY DEVELOPMENT DISTRICT, GROVELAND, MASCOTTE, CLERMONT, MINNEOLA, HOWEY IN THE HILLS, AND LAKE COUNTY, REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City is authorized by §171.203 to participate in negotiations with other local governments; and

**WHEREAS**, these Cities, and Lake County, have determined that the benefits of intergovernmental communications and coordination will accrue to all Parties; and

**WHEREAS**, the elected officials of Cities and County have met and negotiated in good faith to resolve issues relating to annexation, joint planning and provision of infrastructure and wish to reduce their agreement to writing as set forth in this Agreement; and

**WHEREAS**, the ISBA Agreement is entered into pursuant to the authority of Article VIII of the Florida Constitution and Chapters 125.01, 163.3177, 166.021 and 171.203, 190.011, Florida Statutes (2009).

**NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA:**

**SECTION I.**

The City of Leesburg does hereby adopt the Interlocal Service Boundary Agreement ISBA in the form attached to this Ordinance as Exhibit "A" and the City Commission authorizes and directs the Mayor and City Clerk to execute the Agreement on behalf of the City of Leesburg.

**SECTION II.**

All ordinances or part of ordinances which are in conflict with this Ordinance are hereby repealed, to the extent necessary to alleviate the conflict, but shall continue in effect insofar as they are not in conflict herewith, unless repeal of the conflicting portion destroys the overall intent and effect of any of the conflicting ordinance, in which case those ordinances so affected shall be hereby repealed in their entirety.



### SECTION III.

If any portion of this Ordinance is declared invalid or unenforceable, and to the extent that it is possible to do so without destroying the overall intent and effect of this Ordinance, the portion deemed invalid or unenforceable shall be severed herefrom and the remainder of the ordinance shall continue in full force and effect as if it were enacted without including the portion found to be invalid or unenforceable.

### SECTION IV.

This Ordinance shall become effective upon its passage and adoption according to law.

**PASSED AND ADOPTED** at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the 24<sup>th</sup> day of November, 2014.

THE CITY OF LEESBURG, FLORIDA

BY: \_\_\_\_\_  
John Christian, Mayor

Attest: \_\_\_\_\_  
J. Andi Purvis, City Clerk



# AGENDA MEMORANDUM

**Item No:** 5F.

**Meeting Date:** November 24, 2014

**From:** Brandy McDaniel, Budget Manager

**Subject:** Ordinance Amending the Fiscal Year 2013-14 Budget for the General, Stormwater, Greater Leesburg CRA, Capital Projects, Electric, Water, Wastewater, Communications, and Police Impact Fees Funds for the Fourth Quarter

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## Staff Recommendation:

Adopt the attached ordinance amending the Fiscal Year 2013-14 Budget for the General, Stormwater, Greater Leesburg CRA, Capital Projects, Electric, Water, Wastewater, Communications and Police Impact Fees for the Fourth Quarter.

## Analysis:

As established in the Budget Policy, adopted September 28, 1998, total appropriations within a fund cannot increase or decrease without formal action by the City Commission.

These budget adjustments are required due to the following changes:

### General Fund:

Public Safety Training Facility- Fire  
Transfer to Capital Projects

\$30,177

**Total General Fund**

**\$30,177**

### Funding Source

Fund Balance

### Stormwater Fund:

GLCRA Streetscape Project

\$487,126

**Total Stormwater Fund**

**\$487,126**

### Funding Source

Fund Balance

### Greater Leesburg CRA Fund:

Streetscape Project

\$1,307,500

**Total Greater Leesburg CRA Fund**

**\$1,307,500**

### Funding Source

Fund Balance & Debt Proceeds

### Capital Projects:

Extend Taxiway A

(\$36,107)

Public Safety Training Facility- Fire

\$30,177

Public Safety Training Facility- Police

\$15,131

**Total Capital Projects Fund**

**\$ 9,201**

### Funding Source

Transfer from General Fund

Transfer from General Fund

Transfer from Police Impact Fees

<b>Electric Fund:</b>		<b>Funding Source</b>
Villages Project	\$ 613,750	Contributed Capital
GLCRA Streetscape Project	<u>1,350,000</u>	Fund Balance
<b>Total Electric Fund</b>	<b>\$1,963,750</b>	
<b>Water Fund:</b>		<b>Funding Source</b>
GLCRA Streetscape Project	<u>\$401,786</u>	Renewal & Replacement
<b>Total Water Fund</b>	<b>\$401,786</b>	
<b>Wastewater Fund:</b>		
GLCRA Streetscape Project	<u>\$438,993</u>	Renewal & Replacement
<b>Total Wastewater Fund</b>	<b>\$438,993</b>	
<b>Communications Fund:</b>		
GLCRA Streetscape Project	<u>\$60,000</u>	Renewal & Replacement
<b>Total Communications Fund</b>	<b>\$60,000</b>	
<b>Police Impact Fees Fund:</b>		
Public Safety Training Facility- Police		
Transfer to Capital Projects	<u>\$15,131</u>	Fund Balance
<b>Total Police Impact Fees Fund</b>	<b>\$15,131</b>	

#### Options:

1. Adopt the attached ordinance amending the Fiscal Year 2014-15 Budget for the General, Stormwater, Greater Leesburg CRA, Capital Projects, Electric, Water, Wastewater, Communications, and Police Impact Fee Funds, or
2. Such alternative action as the Commission may deem appropriate

#### Fiscal Impact:

The following funds will change as follows:

<u>FUND</u>	<u>FY 2014 ADOPTED</u>	<u>CHANGE</u>	<u>FY 2014 AMENDED</u>
General	24,420,964	30,177	24,451,141
Stormwater	2,459,647	487,126	2,946,773
Greater Leesburg CRA	335,410	1,307,500	1,642,910
Carver Heights CRA	1,894,282	-0-	1,894,282
Hwy 441/27 CRA	867,499	-0-	867,499
Debt Service	2,559,717	-0-	2,559,717
Capital Projects	4,364,071	9,201	4,373,272
Electric	76,379,863	1,963,750	78,343,613
Gas	11,024,021	-0-	11,024,021
Water	12,545,858	401,786	12,947,644
Wastewater	11,700,051	438,993	12,139,044
Communications	2,271,954	60,000	2,331,954
Solid Waste	3,657,224	-0-	3,657,224
Police Pension	1,352,562	-0-	1,352,562
Fire Pension	1,464,990	-0-	1,464,990
General Employees Pension	2,700,196	-0-	2,700,196
Health Insurance	5,911,481	-0-	5,911,481

Workers' Compensation	675,847	-0-	675,847
Risk Management	836,806	-0-	836,806
Discretionary Sales Tax	1,728,893	-0-	1,728,893
Gas Tax	944,821	-0-	944,821
Police Impact Fees	-0-	15,131	15,131
Recreation Impact Fees	100,000	-0-	100,000
Building Permits	430,064	-0-	430,064
Police Forfeiture	3,748	-0-	3,748
Police Education Receipts	12,000	-0-	12,000
Fleet Services	<u>3,345,005</u>	<u>-0-</u>	<u>3,345,005</u>
Total	\$173,986,974	\$4,713,664	\$178,700,638

Submission Date and Time: 11/19/2014 12:55 PM

Department: _____ Prepared by: _____ Attachments: Yes___ No___ Advertised:___Not Required___ Dates: _____ Attorney Review : Yes___ No___ _____ Revised 6/10/04	Reviewed by: Dept. Head _____ Finance Dept. BLM, _____ Deputy C.M. _____ Submitted by: _____ City Manager _____	Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____
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# AGENDA MEMORANDUM

**Item No:** 5G.

**Meeting Date:** November 24, 2014

**From:** Bill Wiley, AICP, Community Development Director

**Subject:** Ordinance for annexation of NRG/Recovery Group Inc. (Covanta Projects LLC)

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## **Staff Recommendation**

The Planning staff recommends approval of the proposed annexation for NRG/Recovery Group Inc. (Covanta Projects LLC) property.

## **Analysis**

The property owner submitted an application for annexation of approximately 20 acres of land generally located at the southwest corner of Rogers Industrial Park Road and Haywood Worm Farm Road, as shown on the attached General Location Map. The present zoning for this property is Lake County HM (Heavy Industrial) and County MP (Planned Industrial). Currently, the property is the Covanta Waste to Energy Plant and the proposed use is to continue the Waste to Energy Plant and add future industrial uses to the property.

The surrounding zoning of adjacent properties is County HM (Heavy Industrial) to the north and east, City PUD (Planned Unit Development) to the south, and County MP (Planned Industrial) to the west. The proposed zoning district of City PUD (Planned Unit Development) and the proposed Land Use designation for the subject property is City Industrial. The annexation of the property would allow for more compact urban form.

Also on the December 8 and 15<sup>th</sup> City Commission agendas will be the Large Scale Comprehensive Plan Amendment and a rezoning application for this property, with recommendations for approval from the staff and Planning Commission.

The City Commission on October 27<sup>th</sup> approved an annexation agreement with Covanta Lake II, Inc. which provide for solid waste disposal and reuse water.

## **Options:**

1. Approve the requested annexation. This would give the City jurisdiction over the use and future development of the subject site and provide for application of City standards to this property.
2. Disapprove the proposed annexation and allow the development to remain in the County.

**Fiscal Impact:**

A positive fiscal impact will result from the annexation of this property with an estimated \$50,000 tax revenues added to the General Fund.

**Submission Date and Time:**

Department: Community Development Prepared by: Bill Wiley AICP Attachments: Yes <u>X</u> No _____ Advertised: _____ Not Required _____ Dates: _____ Attorney Review : Yes <u>X</u> No _____ _____ Revised 6/10/04	Reviewed by: Dept. Head <u>BW</u> Finance Dept. _____ Deputy C.M. _____ Submitted by: City Manager _____	Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____
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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, ANNEXING CERTAIN REAL PROPERTY CONSISTING OF APPROXIMATELY 20 ACRES AND BEING GENERALLY LOCATED AT THE SOUTHWEST CORNER OF ROGERS INDUSTRIAL PARK ROAD AND HAYWOOD WORM FARM ROAD, LYING IN SECTIONS 14, 15 & 19, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, WHICH IS CONTIGUOUS TO THE CITY LIMITS OF THE CITY OF LEESBURG, FLORIDA, PROVIDING THAT SAID PROPERTY SO ANNEXED SHALL BE LIABLE FOR ITS PROPORTIONATE SHARE OF THE EXISTING AND FUTURE INDEBTEDNESS OF SAID CITY; PROVIDING THAT SUCH ANNEXED PROPERTY SHALL BE SUBJECT TO ALL LAWS AND ORDINANCES OF SAID CITY AS IF ALL SUCH TERRITORY HAD BEEN A PART OF THE CITY OF LEESBURG AT THE TIME OF PASSAGE AND APPROVAL OF SAID LAWS AND ORDINANCES; PROVIDING THAT SUCH ANNEXED TERRITORY SHALL BE PLACED IN CITY COMMISSION DISTRICT 3; AND PROVIDING AN EFFECTIVE DATE (Covanta Projects LLC).

BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA, that:

**Section 1.**

Based upon the petition of Covanta Projects LLC for the property hereinafter described, which is contiguous to the existing city limits of the City of Leesburg, Florida, that the property hereinafter described be annexed to the city limits of the City of Leesburg, Florida, which petition has heretofore been approved by the City Commission of the City of Leesburg, Florida, pursuant to the provisions of the Laws of Florida, the hereinafter described property is hereby annexed and made a part of the city limits of the City of Leesburg, Florida. The subject property lying and situate in Lake County, Florida, is more particularly described as:

Legal Description  
(See EXHIBIT A)

**Section 2.**

All of the property, real and personal, within said annexed territory, described in Section 1 above, as provided by this ordinance, and the inhabitants thereof, shall be subject to the government, jurisdiction, powers, franchises, duties, and privileges of the City of Leesburg, Florida, and the said annexed property shall be liable, proportionately, for all of the present outstanding and existing, as well as future, indebtedness of the City of Leesburg, Florida; that all of the ordinances of the City of Leesburg, and all laws heretofore passed by the Legislature of the State of Florida relating to and which now or hereafter constitute its Charter, shall apply to and have the same force and effect on such annexed territory as if all such annexed territory had been a part of the City of Leesburg, Florida, at the time of the passage and approval of said laws and ordinances. The property annexed hereby is assigned to City Commission District 3.

**Section 3.**

This ordinance shall become effective immediately upon approval at second reading.

**PASSED AND ADOPTED** at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

THE CITY OF LEESBURG

By: \_\_\_\_\_  
John Christian, Mayor

ATTEST:

\_\_\_\_\_  
J. Andi Purvis, City Clerk



EXHIBIT A

BOOK 0987 PAGE 1367

PARCEL NO. 3:

That part of Sections 15 and 22, Township 20 South, Range 24 East, Lake County, Florida, described as follows: Commencing at the Southeast corner of said Section 15 (N.E. corner of Section 22), run South 89 degrees 56'10" West along the South line of said Section 15 a distance of 25.0 feet to the West right of way of County Road Dist. 2-3110; thence North 0 degrees 03'15" East along said right of way 378.63 feet to the South right of way of a road; thence South 89 degrees 56'10" West along said right of way 653.0 feet to the Point of Beginning, from said Point of Beginning, continue South 89 degrees 56'10" West along said South line 200.00 feet; thence South 0 degrees 03'15" West 1002.63 feet to the South line of the North 624 feet of the Northeast 1/4 of aforesaid Section 22; thence North 89 degrees 56'10" East parallel with the North line of said Northeast 1/4 a distance of 200.00 feet; thence North 0 degrees 03'15" East 1002.63 feet to the Point of Beginning.

THE ABOVE THREE PARCELS ARE DESCRIBED IN WHOLE AS FOLLOWS:

That part of Sections 15 and 22, Township 20 South, Range 24 East, Lake County, Florida, described as follows: Commencing at the Southeast corner of said Section 15 (N.E. corner of Section 22), run South 89 degrees 56'10" West along the South line of said Section 15 a distance of 25.0 feet to the West right of way of County Road Dist. 2-3110 and the Point of Beginning of this description; thence North 0 degrees 03'15" East along said right of way 378.63 feet to the South right of way of a road; thence South 89 degrees 56'10" West along said right of way 653.0 feet; thence South 0 degrees 03'15" West 1002.63 feet, more or less, to the South line of the North 624.0 feet of the Northeast 1/4 of aforesaid Section 22; thence North 89 degrees 56'10" East parallel with the North line of said Northeast 1/4 a distance of 854.69 feet to the aforesaid West right of way of County Road Dist. 2-3110; thence North 0 degrees 06'03" West along said West right of way 624.00 feet to the Point of Beginning.

SCHEDULE 2  
SITE DESCRIPTION

SCHEDULE "A" LANDS- PAGE 1

PARCEL NO. 1:

That part of the Southeast 1/4 of the Southeast 1/4 of Section 15 and that part of the Northeast 1/4 of the Northeast 1/4 of Section 22, Township 20 South, Range 24 East, in Lake County, Florida, and that part of Lot 8 in Roadside Subdivision, in Lake County, Florida, according to the plat thereof recorded in Plat Book 9, page 62, Public Records of Lake County, Florida, all bounded and described as follows: From the Southeast corner of said Section 15, run South 89 degrees 56'10" West along the South line of said Section 15 a distance of 25 feet to the West line of the right of way of County District Road No. 2-3110 and the point of beginning of this description. From said point of beginning run North 0 degrees 03'15" East along the Westerly line of said right of way 378.63 feet to the South line of the right of way of Jim Rogers Industrial Park Road; thence South 89 degrees 56'10" West along the South line of said right of way 435 feet; thence South 0 degrees 03'15" West 1002.63 feet to the South line of the North 624 feet of the Northeast 1/4 of said Section 22; thence North 89 degrees 56'10" East parallel with the North line of said Northeast 1/4 a distance of 436.69 feet to the West line of the right of way of County District Road No. 2-3110; thence North 0 degrees 06'03" West along the West line of said right of way 624 feet to the point of beginning.

PARCEL NO. 2:

That part of the Southeast 1/4 of the Southeast 1/4 of Section 15, and that part of the Northeast 1/4 of the Northeast 1/4 of Section 22, Township 20 South, Range 24 East, in Lake County, Florida, and that part of Lot 8 in Roadside Subdivision, in Lake County, Florida, according to the plat thereof recorded in Plat Book 9, Page 62, Public Records of Lake County, Florida, all bounded and described as follows: From the Southeast corner of said Section 15, run South 89 degrees 56'10" West along the South line of said Section 15 a distance of 25 feet to the West line of the right of way of County District Road No. 2-3110; thence North 0 degrees 03'15" East along the West line of said right of way 378.63 feet to the South line of the right of way of Jim Rogers Industrial Park Road; thence South 89 degrees 56'10" West along the South line of said right of way 435 feet to the point of beginning of this description. From said point of beginning continue South 89 degrees 56'10" West along the South line of said right of way 218 feet; thence South 0 degrees 03'15" West 1002.63 feet to the South line of the North 624 feet of the Northeast 1/4 of said Section 22; thence North 89 degrees 56'10" East parallel with the North line of said Northeast 1/4 a distance of 218 feet; thence North 0 degrees 03'15" East 1002.63 feet to the point of beginning.

SCHEDULE "A" LANDS - PAGE 2

PARCEL NO. 3:

That part of Sections 15 and 22, Township 20 South, Range 24 East, Lake County, Florida, described as follows: Commencing at the Southeast corner of said Section 15 (N.E. corner of Section 22), run South 89 degrees 56'10" West along the South line of said Section 15 a distance of 25.0 feet to the West right of way of County Road Dist. 2-3110; thence North 0 degrees 03'15" East along said right of way 378.63 feet to the South right of way of a road; thence South 89 degrees 56'10" West along said right of way 853.0 feet to the Point of Beginning, from said Point of Beginning, continue South 89 degrees 56'10" West along said South line 200.0 feet; thence South 0 degrees 03'15" West 1002.63 feet to the South line of the North 624 feet of the Northeast 1/4 of aforesaid Section 22 thence North 89 degrees 56'10" East parallel with the North line of said Northeast 1/4 a distance of 200.00 feet; thence North 0 degrees 03'15" East 1002.63 feet to the Point of Beginning.

THE ABOVE THREE PARCELS ARE DESCRIBED IN WHOLE AS FOLLOWS: That part of Section 15 and 22, Township 20 South, Range 24 East, Lake County, Florida, described as follows: Commencing at the Southeast corner of said Section 15 (N.E. corner of Section 22), run South 89 degrees 56'10" West along the South line of said Section 15 a distance of 25.0 feet to the West right of way of County Road Dist. 2-3110 and the Point of Beginning of this description; thence North 0 degrees 03'15" East along said right of way 378.63 feet to the South right of way of a road; thence South 89 degrees 56'10" West along said right of way 853.0 feet; thence South 0 degrees 03'15" West 1002.63 feet, to the South line of the North 624.0 feet of the Northeast 1/4 of aforesaid Section 22; thence North 89 degrees 56'10" East parallel with the North line of said Northeast 1/4 a distance of 854.69 feet to the aforesaid West right of way of County Road Dist. 2-3110; thence North 0 degrees 06'03" West along said West right of way 624.00 feet to the Point of Beginning.

COMPANY INSURES that Parcels No. 1, 2 and 3 above described are contiguous.

COMPANY INSURES that there is legal access to the above described property from a public road.